

CITY COUNCIL AGENDA

MAY 20, 2003

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.ci.san-jose.ca.us/cty_clk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:34 a.m. - Closed Session, Room 600, City Hall
Absent Council Members: None

1:35 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None

7:13 p.m. - Public Hearings, Council Chambers, City Hall
Absent Council Members: Yeager
- **Invocation (District 5)**
Council Member Campos introduced the students from the Five Wounds Catholic School Choir ranging in age from Kindergarten to 8th grade, and their teacher, Mr. Nelson Garza. The Choir sang “God Bless the USA,” and presented a CD of their Christmas songs to Mayor Gonzales, and each of the Council Members.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
Item 1.3 was heard in the Evening Session, Item 4.4 was dropped to return to the Driving a Strong Economy Committee’s 6 month work plan process, and the Orders of the Day were approved.

1 CEREMONIAL ITEMS

- 1.1** Presentation of a commendation to Junior Girl Scout Troop 314. (Campos)
HEARD IN THE EVENING
Mayor Gonzales, on behalf of Council Member Campos, and the Council Members, recognized and commended the members of the Junior Girl Scout Troup 314 for their extraordinary example of true leadership, and giving to the community by making handmade holiday cards for patients at a local San José Hospital, every holiday season they collect, and donate canned goods to the Second Harvest Food Bank and sponsor a less fortunate child for a Christmas gift with funds the Troop raises during the year, they collect clothes and donate to Hope, they donate books

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Junior Girl Scout Troop 314. **(Cont'd.)**
to Sacred Heart Community Center, they adopted a tree in Christmas in the Park, they participated in the Alum Rock Little League Opening Day Parade and in the Mayor's Number 1 project, "Pick Up San José", and they have adopted a park at Nancy Lane. Junior Girl Scout Amanda Tsukamoto gave a gracious acceptance speech, and introduced the other members of the troop, Danielle Gutierrez, Megan Gutierrez, Lauren Bettencourt, Lynnae Maulsby, Amber Ojeda, Audrina Payne, Ashley Santiago, Sarah Gomez, and Susan Walker. Kathy Tsukamoto, the Troop Leader, is also one of the assistants for Council Member Campos.
- 1.2 Presentation of plaque to John Walter for 4 years 6 months service on the Senior Citizens Commission. (Mayor)
Mayor Gonzales recognized and commended John Walter with a plaque in appreciation for his outstanding service of 4 years and 6 months on the Senior Citizens Commission. Mr. Walter was unable to attend the ceremony.
- 1.3 Presentation of commendations to Amanda Hseuh and Mary Milazzo, students from the Santa Teresa High School S.T.Y.L.E. Publishing Technologies Program, for their contributions to "Bridging the Digital Divide" in San José through their development of the updated logo and poster to promote the City's Homework Centers Program.
(Williams)
HEARD IN THE EVENING
Mayor Gonzales, on behalf of Council Member Williams, and the Council Members, recognized and commended Santa Teresa High School Seniors, Amanda Hseuh and Mary Milazzo, for their outstanding service and contributions in developing an updated logo and poster to promote the City of San José's Homework Centers Program. Ms. Hseuh and Ms. Milazzo gave a PowerPoint presentation of their excellent achievements, and their design will be represented at over 200 sites in San José.
- 1.4 Presentation of a commendation to the Youth Anti-Tobacco Collaborative. (Campos)
(Deferred from 5/6/03 – Item 1.8 and 5/13/03 – Item 1.4)
HEARD IN THE EVENING
Mayor Gonzales, on behalf of Council Member Campos, and the Council Members, recognized and commended the members of the Youth Anti-Tobacco Collaborative for their outstanding efforts in working with the community. The Youth Anti-Tobacco Collaborative is a group of community agencies that join together to reduce tobacco use in the City of San José, especially among young people. One of the innovative ways they do this by empowering youth through leadership programs.

1 CEREMONIAL ITEMS

- 1.5 Presentation of a commendation to the American Lung Association (Santa Clara County Chapter) recognizing their hard work in promoting air quality and the conservation of energy resources throughout Santa Clara County during May, Clean Air Month. (LeZotte)
(Rules Committee referral 5/14/03)
Mayor Gonzales, Council Member LeZotte, and the City Council congratulated and commended Margo Sidener, Kim Rogers and David Dias of the American Lung Association, Santa Clara Valley/San Benito Chapter in recognition of their dedicated partnership with local governments to improve air quality in Santa Clara County for the benefit of all residents in the community.
- 1.6 Presentation of a plaque to the City of San José from the American Lung Association commemorating 5 years of compliance to Assembly Bill 13, “No Smoking in Bar and Restaurant Initiative” and for earning a “Gold Status” level of compliance. (City Manager’s Office)
(Orders of the Day)
Deferred to 5/27/03.
- 1.7 Presentation of a commendation to the California Transplant and Donor Network for their life giving efforts and dedication to organ and tissue donors and their families. (Chavez)
(Orders of the Day)
Mayor Gonzales, on behalf of Council Member Chavez, and the City Council, presented a commendation to Salvator Guerrero of the California Transport and Donor Network, in recognition of their dedication to improve and extend lives through organ and tissue donation for transplantation, and by offering support to donor families; and to acknowledge Angelica Willard, who lost her beloved son two years ago, and generously donated his organs for transplant so that others could be saved, and who has been an invaluable volunteer educating the public.

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of September 24, 2002
 - (b) Joint City Council/San José Financing Authority meeting of September 24, 2002
 - (c) Joint City Council/Redevelopment Agency Board meeting of September 24, 2002
- Approved. Staff directed to report back to Council regarding the lighting for the Fallon statue in Pellier Park, Item 5.2, Page 20 of the Regular Meeting Minutes of September 24, 2002.**

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances:

- (a) ORD. NO. 26889 – Rezones certain real property situated at the southeast corner of Madden Avenue and South Jackson Avenue. PDC 02-078

Ordinance No. 26889 adopted.

- (b) ORD. NO. 26890 – Rezones certain real property situated on the easterly side of Monterey Highway, approximately 950 feet northerly of Blossom Hill Road (5350 Monterey Highway). PDC 03-002

Ordinance No. 26890 adopted.

2.3 Approval of various actions related to the Municipal Rose Garden Renovation Project.

Recommendation:

- (a) Report on bids and award of contract for the Municipal Rose Garden Renovation Project to the lowest responsive bidder, Robert A. Bothman, Inc., to include the base bid and Add Alternate Nos. 1 and 2 in the amount of \$1,511,000, and approval of a contingency in the amount of \$151,000.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the City-Wide Construction and Conveyance Tax Fund:

- (1) Establish the Municipal Rose Garden Renovation Project for \$210,000.
(2) Decrease the Ending Fund Balance by \$210,000.

Ordinance No. 26892 adopted.

- (c) Adoption of the following appropriation ordinance amendments in the Parks and Recreation Bond Fund:

- (1) Increase the Municipal Rose Garden Project by \$66,000.
(2) Decrease the Ending Fund Balance by \$66,000.

CEQA: Exempt, HP02-020. Council District 6. (Public Works/City Manager's Office)
(Deferred from 5/6/03 – Item 2.10)

Ordinance No. 26893 adopted.

2 CONSENT CALENDAR

2.4 Adoption of a resolution authorizing the reorganization of territory designated as Parker No. 24.

Recommendation: Adoption of a resolution authorizing the reorganization of territory designated as Parker No. 24, which involves the annexation to the City of San José of 0.47 gross acre of land, located at the west side of Union Avenue, approximately 80 feet northerly of Ronda Drive, and the detachment of the same from the appropriate special districts including Santa Clara County Lighting Service Area, Central Fire Protection District, County Service area –1 (County Library Service Area), and West Valley Sanitation. CEQA: Exempt. Council District 9. (Planning, Building and Code Enforcement)

Resolution No. 71555 adopted.

2.5 Approval of new lease of Airport premises with Airport Group International.

Recommendation: Approval of new lease of Airport premises between the City of San José and Airport Group International, for the period January 1, 2003 to December 31, 2008, with annual revenue to the City of \$10,476. CEQA: Resolution No. 67380, PP03-02-039. (Airport)

Approved.

2.6 Approval of an engineering consultant agreement for recycled water service to the new Civic Center and the Joint Public Library.

Recommendation: Approval of an agreement with Brown and Caldwell to provide professional engineering and environmental consulting services for the design of a pipeline to serve recycled water to the new Civic Center and the Joint Public Library; services will include pipeline design and construction management support from June 2, 2003 through September 3, 2004, at a total cost not to exceed amount of \$267,000, including \$20,000 for additional services. CEQA: Resolution No. 64667, PP03-04-138. (Environmental Services)

Approved.

2.7 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2002-2003 #32 and authorization for the Director of General Services to execute the purchase orders. CEQA: See memo for various CEQA determinations. (General Services)

Approved.

2 CONSENT CALENDAR

2.8 Approval of various actions related to the San José Permits On-line Project.

Recommendation: Adoption of a resolution authorizing the City Manager to take the following actions pertaining to the San José Permits On-line (IDTS) Project agreements:

- (a) Execute the fourth amendment to the agreement with Intergraph Corporation for the San José Permits On-line (IDTS) Project at no additional cost to the City and to:
 - (1) Extend the term of the agreement with Intergraph Corporation from June 30, 2003 to October 31, 2003; and
 - (2) Add Tele-works as the software provider for the Interactive Voice Response (IVR) System to automate telephone inspection requests and upgrade the IVR hardware specification to reflect the Tele-works proposal.

Resolution No. 71556 adopted.

- (b) Execute an Addendum to the Maintenance and Support Agreement between the City and Intergraph Corporation to provide maintenance and support services in the amount of \$176,900, for the term of January 1, 2003 to December 31, 2003.

Approved.

- (c) Execute all subsequent annual maintenance & support addenda with Intergraph for the San José Permits On-Line (IDTS) Project without further City Council action other than the appropriation of funding.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

Approved.

2.9 Approval of various actions related to the Guadalupe River Trail, Reach 12 Phase 1.

Recommendation: Adoption of a resolution

- (a) Approving a Freeway Maintenance Agreement between the City and the State of California, acting through the California Department of Transportation for the proposed City's Guadalupe River Trail, Reach 12 Phase 1 crossing under State Route 85.
- (b) Authorizing the City Manager to negotiate and execute all documents relating to the Freeway Maintenance Agreement.

CEQA: Mitigated Negative Declaration, PP03-03-092. (Parks, Recreation and Neighborhood Services)

(Rules Committee referral 5/14/03)

Resolution No. 71557 adopted.

2 CONSENT CALENDAR

2.10 Approval of fiscal actions related to the Alviso Pool Emergency Repairs Project.

Recommendation: Adoption of the following appropriation ordinance amendments in the Council District 4 Construction and Conveyance Tax Fund:

(a) Establish the Alviso Pool Emergency Repairs Project for \$90,000.

(b) Decrease the Ending Fund Balance by \$90,000.

CEQA: Exempt, PP03-05-162. Council District 4. (Parks, Recreation and Neighborhood Services/City Manager's Office)

(Rules Committee referral 5/14/03)

Ordinance No. 26894 adopted.

2.11 Approval of various actions related to Building and Planning Fees.

Recommendation:

(a) Approval of an ordinance of the City of San José amending Section 4.46.050 of Chapter 4.46 and Section 4.47.040 of Chapter 4.47 of Title 4 and repealing Section 24.02.470 of Chapter 24.02 of Title 24 of the San José Municipal Code to make nonsubstantive revisions to the provisions regarding the rate of tax.

Ordinance No. 26895 passed for publication.

(b) Adoption of a resolution initiating an amendment to Title 20 of the San José Municipal Code to add a new Section 20.10.100 to authorize the establishment of cost recovery fees for planning services and processes, setting a public hearing on June 3, 2003 at 1:30 p.m. and referring said ordinance to the Planning Commission.

Resolution No. 71558 adopted.

(c) Approval of an ordinance of the City of San José amending Chapter 20.10 of Title 20 of the San José Municipal Code by adding a new Section 20.10.100 authorizing the establishment of cost recovery fees for planning services and processes.

CEQA: Not a Project. (Planning, Building and Code Enforcement)

(Rules Committee referral 5/14/03)

Ordinance No. 26896 passed for publication.

Staff directed to provide to Council, before final hearing: (1) Information on all residential fees and taxes currently assessed to homes, the impact of any changes and if any are in conflict; (2) Provide information on the financial impact that these fees and taxes would have on future business and building development.

2 CONSENT CALENDAR

2.12 Approval of various actions related to the Kelley Park Service Yard Renovation Project.

Recommendation:

- (a) Increase contingency budget authorization by \$51,000, from \$66,000 to \$117,000.
- (b) Adoption of the following appropriation ordinance amendments in the Park Yards Fund:
 - (1) Increase the Kelley Park Service Yard Renovation Project by \$107,000.
 - (2) Decrease the Ending Fund Balance by \$107,000.
- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement with Garcia Teague Architecture + Interiors for the Kelley Park Service Yard Project, to expand the scope of services, increase the compensation by an amount not to exceed \$26,000, and extend the term of the agreement from April 30, 2003 to November 30, 2003.

CEQA: Mitigated Negative Declaration, PP01-10-186. Council District 7. (Public Works/City Manager's Office)

(Rules Committee referral 5/14/03)

Deferred to 5/27/03.

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No Report.

3.2 Report of the Rules Committee – May 7, 2003 Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review May 20, 2003 Draft Agenda
The Committee recommended approval of the May 20, 2003 City Council agenda with three additions.
 - (2) Add New Items to May 13, 2003 Amended Agenda
The Committee recommended four additions to the May 13, 2003 City Council agenda.
 - (3) List of Reports Outstanding
The Committee noted and filed the City Manager's report listing two staff reports outstanding for the May 13, 2003 Council meeting.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – May 7, 2003 (Cont'd.)

Vice Mayor Dando, Chair

(c) Legislative Update

(1) State

AB 910 (Diaz) Relating to Hospital Community Responsibility

Heard by Council 5/13/03.

(a) Accept State Legislative Bill Matrix

The Committee accepted the May 2nd State Legislative Bill Matrix.

(b) Voting Delegate for a Special Meeting of the League of California Cities General Assembly on May 15th

Heard by Council 5/13/03.

(2) Federal

(a) Federal Lobbyist monthly report

The Committee accepted the March 2003 report from the City's Federal Lobbyist firm of Patton Boggs, LLP.

(d) Meeting Schedules – **There were none.**

(e) The Public Record – **The Committee noted and filed the Public Record.**

(f) Boards, Commissions and Committees

(1) Police and Fire Retirement Board

Request from Police and Fire Retirement Board to consider revising the definition of “surviving child” to include children born to retirees, or who were adopted after the person retired.

The Committee deferred this item to next week's meeting.

(g) Council Referrals for Assignment to Administration or Council Appointee
There were none.

(h) Administrative Reviews and Approval

(1) Accept report on workload assessment to implement a Street Tree Mapping System and establish an advisory City Tree Commission and refer item to 2003-04 budget process as a Manager's Budget Addendum
The Committee referred this item to the Department of Transportation City Service Area (CSA) Budget Study Session.

(i) Oral communications – **None were presented.**

(j) Adjournment – **The meeting adjourned at 2:20 p.m.**

The Rules Committee Report and Action of May 7, 2003 were accepted.

3 STRATEGIC SUPPORT SERVICES

- 3.3 Report of the Making Government Work Better Committee
Council Member Campos, Chair
No Report.**

- 3.4 Report of the Council Salary Setting Commission.**

Recommendation:

- (a) Approval of Council Salary Setting Commission Report for the period July 1, 2003 through June 30, 2005. (City Clerk)
- (b) Approval of an ordinance setting Mayor and Council Member salaries. (City Attorney's Office)

Commission Report and Recommendations accepted. Salary increase consideration for the Mayor and Council Members deferred to May 2004.

Ordinance No. 26897 passed for publication.

Revote on original motion with clarification that increase in car allowance will be implemented July 1, 2003. Vote: 7-3-1-0. Noes: LeZotte, Reed, Williams.

- 3.5 Public hearing on the Proposed Operating and Capital Budgets and Departmental Fees and Charges.**

Recommendation: PUBLIC HEARING on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2003 to June 30, 2004, the Proposed Five-Year Capital Improvement Program for 2004-2008, and the Proposed Fiscal Year 2003-2004 City Departmental Fees and Charges Program for the City of San José. (City Manager's Office)

HEARD IN THE EVENING

Public Hearing, no Council action.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

- 4.1 Report of the Building Strong Neighborhoods Committee
Council Member Chavez, Chair
No Report.**

- 4.2 Report of the Driving a Strong Economy Committee
Council Member Williams, Chair
No Report.**

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of various actions related to the Turnleaf Apartments.

Recommendation: Adoption of a resolution:

- (a) Authorizing the issuance of a single series of tax-exempt multifamily housing revenue bonds in a principal amount not to exceed \$15,290,000.
- (b) Approving a loan of the bond proceeds to a limited partnership created by Fairfield Affordable Housing LLC, for financing the acquisition and rehabilitation of the Turnleaf Apartments Project.
- (c) Approving, in substantially final form, the Bonds, Trust Indenture, Financing Agreement, Regulatory Agreement and Declaration of Restrictive Covenants, Intercreditor Agreement, Official Statement and the Bond Purchase Contract; authorizing the Director of Finance and the Director of Housing to execute and, as appropriate, to negotiate, execute, and deliver these documents and other related documents as necessary.

CEQA: Exempt, PP02-11-331. Council District 1. (Finance/Housing)

Resolution No. 71559 adopted.

4.4 Approval of the City Council Land Use Policy for Wireless Communications Facilities.

Recommendation: Adoption of a resolution approving an updated Council Policy for Wireless Communications Facilities. Director of Planning, Building and Code Enforcement recommends approval. CEQA: Resolution No. 65459, PP03-05-149. (Planning, Building and Code Enforcement)

Item 4.4 was dropped, to return to the Driving a Strong Economy Committee's 6 month work plan process.

4.5 Public Hearing on final cancellation of land conservation contract for property located on the northeast corner of Fleming Avenue and Warner Drive.

Recommendation: PUBLIC HEARING ON PETITION FOR FINAL CANCELLATION OF LAND CONSERVATION CONTRACT (Williamson Act), for property consisting of 3.5 acres located on the northeast corner of Fleming Avenue and Warner Drive and authorization for the City Clerk to execute a Certificate of Final Partial Cancellation and directing the City Clerk to record the certificate with the County Recorder. (Rolando Loera, Owner). CEQA: Negative Declaration, PDC00-126. (Planning, Building and Code Enforcement)

Contract No. 71-234 - District 5

(Continued from 5/13/03 – Item 4.3)

Approved.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.6 Discussion of and approval of an ordinance related to the Sign Code.

Recommendation: Discussion of and approval of an ordinance amending Title 23, the Sign Code, of the San José Municipal Code as it pertains to signage on residential parcels in all residential, agriculture, and open space zoning districts. CEQA: Exempt, PP02-09-260. (Planning, Building and Code Enforcement)

[Driving a Strong Economy Committee referral 4/28/03 – Item 4.2(a)]

(Deferred from 5/13/03 – Item 4.4)

Deferred to 8/19/03.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the All Children Achieve Committee – May 8, 2003

Council Member Yeager, Chair

(a) Youth Commission Report

The Committee accepted the report.

(b) Report on City/San José State University Joint Library

The Committee accepted the report.

(c) Family Camp Annual Report

The Committee accepted the report.

(d) Update on Parent Institute for Quality Education

The Committee accepted the report.

(e) Update on Joint-Use Agreements with School Districts, including City/School Collaborative

The Committee accepted the report, with Staff directed to return to the June 12, 2003 meeting with the following:

(a) Final count of the survey sent to principals and supervisors.

(b) Timeline of new San José After School structure.

(c) Result of same survey to be sent to parent groups.

(d) Evaluation/assessment of the City/Schools Collaborative.

(f) Oral petitions - **There were none.**

(g) Adjournment – **The meeting adjourned at 3:30 p.m.**

The All Children Achieve Committee Report and Actions of May 8, 2003 were accepted.

5 RECREATION & CULTURAL SERVICES

5.2 Approval of actions related to the Tully Branch Library Project.

Recommendation: Report on bids and take appropriate action based on the evaluation of bids for the Tully Branch Library Project. CEQA: Negative Declaration, PP02-04-080. Council District 7. (Public Works)

Deferred to 5/27/03.

6 TRANSPORTATION SERVICES

6.1 Report of the Building Better Transportation Committee – May 5, 2003 Council Member Cortese, Chair

- (a) Expansion and Improvement of Transit and Transportation Systems
 - (1) Report and Recommendations on County Expressway Master Plan
The Committee accepted the report, with Staff directed to include an overall general budgeting strategy to come back, and a mechanism to discuss opportunities for joint funding and the impact that it will have over all the programs.
- (b) Traffic Relief/Safe Streets
 - (1) Report and review of Traffic Calming Program
The Committee accepted the report.
 - (2) Pavement Management Program
The Committee accepted the report.
 - (3) City's Annual Transportation Report
The Committee accepted the report.
- (c) Supporting Smart Growth
 - (1) Level of Service (LOS) policy revision
The Committee accepted the report.
- (d) Regional Relationships/Funding/Policy
 - (1) State, Federal, and Local Legislative Update
The Committee received the written status report.
- (e) Oral petitions – **There were none.**
- (f) Adjournment – **The meeting adjourned at 3:40 p.m.**

The Building Better Transportation Committee Report and Actions of May 5, 2003 were accepted.

6 TRANSPORTATION SERVICES

6.2 Approval of various actions related to the Bailey Extension over Union Pacific Railroad.

Recommendation:

- (a) Adoption of a resolution authorizing the Director of Public Works to execute an agreement with Caltrans for reimbursement to the City from the State Grade Separation Fund for the Bailey Avenue Extension over Union Pacific Railroad in an amount not to exceed \$5,000,000.

Resolution No. 71560 adopted.

- (b) Adoption of the following appropriation ordinance amendments in the Building and Structure Construction Tax Fund to:

- (1) Establish an appropriation to the Department of Transportation for the Bailey Avenue Above-Grade Crossing at UPRR in the amount of \$950,000.
- (2) Reduce the Reserve for the VTA: Bailey/101 Improvement Project by \$950,000.

Ordinance No. 26898 adopted.

- (c) Adoption of a resolution authorizing the City Manager to negotiate and execute any amendments to existing agreements and new agreements as needed to implement the Bailey Avenue Above-Grade Crossing.

CEQA: Resolution No. 68705. Council District 2. (Public Works/City Manager's Office)

Resolution No. 71561 adopted.

6.3 Approval to amend the Master Parking Rate Schedule.

Recommendation: Adoption of a resolution to amend the Master Parking Rate Schedule to add the Second/St. James (Oasis) Parking Lot to the Downtown Free Parking Program after 6:00 p.m. CEQA: Not a Project. Council District 3. (Transportation)

Resolution No. 71562 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of various actions related to the Santa Clara Valley Water District.

Recommendation:

- (a) Acceptance of the Quarterly Status Report for the cooperative efforts between the City of San José (City) and the Santa Clara Valley Water District (District).

Report accepted.

- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute a continuation agreement to extend the initial term of the agreement between the City of San José and the Santa Clara Valley Water District entitled, “South Bay Water Recycling Reimbursement Agreement for Development and Utilization of Nonpotable Recycled Water” to cover a continuous period of eight years, from July 1, 1997 through June 30, 2005.

CEQA: Not a Project. (Environmental Services/Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement/Public Works/Transportation)
(Deferred from 5/6/03 – Item 7.2)

Resolution No. 71563 adopted.

Staff directed to: (1) Return to Council with a detailed listing of trails, and information on the projects that can move forward; (2) Report back in June regarding the right-of-way issues and to define the tasks required to move forward; (3) For Community meeting presentations, add more detailed information and enhance the graphics of the trails; (4) Confirm construction start date of 4/04 for the service road segment on Saratoga/San Tomas (Bollinger to Prospect); (5) Provide summaries of the Collaborative meetings with the stakeholders identifying “deal points”.

7.2 Approval of agreement for miscellaneous consultant services with San José Water Company.

Recommendation: Approval of a ten-year agreement for miscellaneous consulting services with San José Water Company from June 1, 2003 through May 31, 2013, in a total amount not to exceed \$50,000 per year and contingent upon the annual appropriation of funds. CEQA: Not a Project. Council Districts 2, 4, 7, and 8.
(Environmental Services)

[Deferred from 5/6/03 - Item 7.4(b)]

Approved.

7 ENVIRONMENTAL & UTILITY SERVICES

7.3 Approval of various actions related to Scheduled and Emergency Repairs of Municipal Water System Facilities and South Bay Water Recycling Facilities located within the City of San Jose.

Recommendation: Report on bids and recommendation to:

- (a) Reject all bids for the Scheduled/Emergency Repairs and Installation of Non-Potable Water (SBWR) Services and Mains 2003-2004 Contract, and

Approved.

- (b) Award of ten-year contract to San José Water Company for Scheduled/Emergency Repairs of Municipal Water System and SBWR facilities located in the City of San José, in an amount not to exceed \$500,000 in the first year, and subject to CPI adjustment and appropriation of funds in subsequent years.

CEQA: Exempt, PP85-8-183, PP91-07-173, and PP03-05-155.

[7.3(b) deferred in part from 5/6/03 - Item 7.4(a)]

(Environmental Services)

Approved.

7.4 Approval of contract for the Transmission Pump Station Variable Frequency Drive Cooling Project.

Recommendation: Report on bids and award of contract for the “San José/Santa Clara Water Pollution Control Plant: Transmission Pump Station Variable Frequency Drive Cooling Project,” to the low bidder, ICOM Mechanical Inc., in the amount of \$314,033, and approval of a contingency in the amount of \$31,403, for a total amount not to exceed of \$345,436. CEQA: Exempt, PP02-11-346. (Environmental Services)

Approved.

7.5 Approval of various actions related to the Water Pollution Control Plant.

Recommendation: Adoption of a resolution authorizing the City Manager:

- (a) To negotiate and execute an agreement with the City of Santa Clara for the conveyance of an easement and temporary construction license across Water Pollution Control Plant (WPCP) lands; and
- (b) To execute documents necessary for the conveyance of a non-exclusive easement for electrical transmission lines across Water Pollution Control Plant lands (WPCP).

Council District 4. (Environmental Services)

Resolution No. 71564 adopted.

7 ENVIRONMENTAL & UTILITY SERVICES

7.6 Approval of various actions related to a purchase of land.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the following:

- (a) An agreement with Cargill, Inc. for the purchase of approximately 856 acres of property bounded by Coyote Creek, Mallard/Artesian Slough, the San José/Santa Clara Water Pollution Control Plant (Plant), and Zanker Road Landfill (“Pond A-18”), for the purchase price of \$13,500,000, plus an amount not to exceed \$15,000 for the City’s share of closing costs, and an amount not to exceed \$25,000, for preparation of an updated environmental assessment; and
- (b) Such other documents that may be necessary to complete the purchase transaction, including a quit claim deed, rather than grant deed, as to less than 1 acre of the land as shown in supplemental Council memo.

CEQA: Exempt, PP02-11-351. (Environmental Services)

Resolution No. 71565 adopted.

Staff directed to inform San Jose Mercury News that the article regarding Cargill, Inc. is erroneous, and to write a letter to the editor correcting the information.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
None.

- **Notice of City Engineer's Pending Decision on Final Maps**
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9421	SE side of University Ave., approx. 150 ft NE of The Alameda	6	Claddagh Construction	5 units	Single Family Courthomes	Approval

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.

- **Open Forum**
None.

11 PUBLIC HEARINGS

(Heard by the City Council at 7:13 p.m.)

11.1 Public Hearing on the annexation of Franklin No. 49.

Recommendation: PUBLIC HEARING and adoption of a resolution authorizing the reorganization of territory designated as Franklin No. 49, which involves the annexation to the City of San José of 3.8 gross acres of land, located at the southeast corner of Monterey Road and Fehren Drive, and the detachment of the same from the appropriate special districts including Santa Clara County Lighting Service Area, Central Fire Protection District, and County Service Area-1 (County Library Service Area). CEQA: Exempt, Franklin No. 49. Council District 7. (Planning, Building and Code Enforcement)

(Continued from 5/6/03 – Item 11.1)

Continued to 6/3/03.

11.2 Public Hearing on appeal of the Planning Commission's decision to approve a Conditional Use Permit.

Recommendation: PUBLIC HEARING ON APPEAL of the Planning Commission's decision to approve a Conditional Use Permit for a project located on the northeast corner of West San Carlos Street and Meridian Avenue on a 1.08 gross acre site in the CG General Commercial Zoning District, to allow twenty-four hour operation of a retail store and drive-through pharmacy and associated modifications to the site (Walgreens). (Alfred and Madelyn Benzo, Owner/Developer). CEQA: Exempt.

CPA 95-037-01 - District 6

(Continued from 5/6/03 – Item 11.5)

Continued to 6/3/03.

11 PUBLIC HEARINGS

11.3 Public Hearing on planned development rezoning of the property located at 890 South Winchester Boulevard.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southeast corner of South Winchester Boulevard and Neal Avenue (890 S. Winchester Blvd.), from CN Neighborhood Commercial District to A(PD) Planned Development Zoning District, to allow single-family attached residential uses (21 townhomes) on a 1.1 gross acre site. (Delta I LLC, Owner/Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 02-071- District 6

(Continued from 1/21/03 – Item 11.2 et al., and 5/6/03 – Item 11.2)

Continued to 6/3/03.

11.4 Public Hearing on planned development rezoning and prezoning of the property located at 2785 Quimby Road.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING AND PREZONING of the property located at the north side of Quimby Road, approximately 300 feet easterly of Mission Greens Drive (2785 Quimby Road), from R-1-8 Residence Zoning District and County of Santa Clara to A(PD) Planned Development Zoning District, to allow up to 25 single family detached residences and an existing church on a 4.8 gross acre site. (Sikh Gurdwara San José, Owner/Braddock & Logan, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-0-1).

PDC 03-010 - District 8

Ordinance No. 26899 passed for publication.

Staff directed to further address the surrounding compatibility issues of the acreage along the property's frontage before a Planned Development permit is issued, and the property must fully comply with the Evergreen

Development Policy, and/or any subsequent policies that Council adopts at a later time.

11.5 Public Hearing on planned development rezoning of the property located at 10671 Story Lane.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the south side of Story Lane, at the intersection of Schramm Way (10671 Story Lane), from A Agriculture District to A(PD) Planned Development Zoning District, to allow construction of 2 single-family residences on a 0.62 gross acre site. (Sky River Investments, Mike Miroyan, Owner). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (7-0-0).

PDC 02-020 - District 5

Ordinance No. 26900 passed for publication.

- **Open Forum**
None.

- **Adjournment**
The Council of the City of San José adjourned in memory of Louis Rocca Jr., the owner of San Jose's Original Joe's.

The Council of the City of San José adjourned at 8:50 p.m.